

AMENDED IN ASSEMBLY APRIL 18, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 363**

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**Introduced by Assembly Member Grove**

February 14, 2013

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An act to amend ~~Sections 11553 and 11553.5 of the Government Code, and to amend~~ Section 401 of the Unemployment Insurance Code, relating to state government.

### LEGISLATIVE COUNSEL'S DIGEST

AB 363, as amended, Grove. Unemployment Insurance Appeals Board: members.

Existing law creates, in the Employment Development Department, the California Unemployment Insurance Appeals Board, consisting of 7 members, 2 of whom are required to be attorneys at law admitted to practice in California. Existing law authorizes the Governor to appoint 5 of the 7 members, as specified.

This bill would prohibit a former member of the Legislature from sitting on the Unemployment Insurance Appeals Board for 2 years after the day that person leaves the Legislature, as specified.

Existing law requires that an annual salary of \$81,635, to be increased as specified, be paid to the Chairperson of the Unemployment Insurance Appeals Board. Existing law establishes the annual salary for each member of the board at \$79,122, to be increased, as specified.

This bill would provide that the salaries of the chairperson and members of the Unemployment Insurance Appeals Board shall be set by the person or body appointing the chairperson or member, not to exceed the salary of the lowest paid member of the Assembly.

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     ~~SECTION 1. Section 11553 of the Government Code is~~  
2     ~~amended to read:~~  
3     ~~11553. (a) Effective January 1, 1988, an annual salary of~~  
4     ~~eighty-one thousand six hundred thirty-five dollars (\$81,635) shall~~  
5     ~~be paid to each of the following:~~  
6     ~~(1) Chairperson of the Agricultural Labor Relations Board.~~  
7     ~~(2) President of the Public Utilities Commission.~~  
8     ~~(3) Chairperson of the Fair Political Practices Commission.~~  
9     ~~(4) Chairperson of the Energy Resources Conservation and~~  
10    ~~Development Commission.~~  
11    ~~(5) Chairperson of the Public Employment Relations Board.~~  
12    ~~(6) Chairperson of the Workers' Compensation Appeals Board.~~  
13    ~~(7) Administrative Director of the Division of Industrial~~  
14    ~~Accidents.~~  
15    ~~(8) Chairperson of the State Water Resources Control Board.~~  
16    ~~(b) The annual compensation provided by this section shall be~~  
17    ~~increased in any fiscal year in which a general salary increase is~~  
18    ~~provided for state employees. The amount of the increase provided~~  
19    ~~by this section shall be comparable to, but shall not exceed, the~~  
20    ~~percentage of the general salary increases provided for state~~  
21    ~~employees during that fiscal year.~~  
22    ~~(c) Notwithstanding subdivision (b), any salary increase is~~  
23    ~~subject to Section 11565.5.~~  
24    ~~SEC. 2. Section 11553.5 of the Government Code is amended~~  
25    ~~to read:~~  
26    ~~11553.5. (a) Effective January 1, 1988, an annual salary of~~  
27    ~~seventy-nine thousand one hundred twenty-two dollars (\$79,122)~~  
28    ~~shall be paid to the following:~~  
29    ~~(1) Member of the Agricultural Labor Relations Board.~~  
30    ~~(2) Member of the State Energy Resources Conservation and~~  
31    ~~Development Commission.~~  
32    ~~(3) Member of the Public Utilities Commission.~~  
33    ~~(4) Member of the Public Employment Relations Board.~~  
34    ~~(5) Member of the Workers' Compensation Appeals Board.~~  
35    ~~(6) Member of the State Water Resources Control Board.~~

~~(b) The annual compensation provided by this section shall be increased in any fiscal year in which a general salary increase is provided for state employees. The amount of the increase provided by this section shall be comparable to, but shall not exceed, the percentage of the general cost-of-living salary increases provided for state employees during that fiscal year.~~

~~(c) Notwithstanding subdivision (b), any salary increase is subject to Section 11565.5.~~

~~SEC. 3.~~

*SECTION 1.* Section 401 of the Unemployment Insurance Code is amended to read:

401. (a) There is in the department an Appeals Division consisting of the California Unemployment Insurance Appeals Board and its employees. The appeals board consists of five members. Three members shall be appointed by the Governor, subject to the approval of the Senate. One member shall be appointed by the Speaker of the Assembly, and one member shall be appointed by the Senate Committee on Rules. All of the members of the appeals board shall be attorneys at law admitted to practice in any state of the United States, and shall have, at a minimum, one year of experience in conducting judicial or administrative hearings or five years of experience in the practice of law. Each member of the board shall devote his or her full time to the performance of his or her duties. ~~The chairperson or a and each member of the board shall receive an the annual salary set by the person or body who appoints the chairperson or member of the board. The salary of the chairperson or a member of the board shall not exceed the lowest salary paid to a member of the Assembly, provided for by Chapter 6 (commencing with Section 11550) of Part 1 of Division 3 of Title 2 of the Government Code.~~ The Governor shall designate the chairperson of the appeals board from the membership of the appeals board. The person so designated shall hold the office of chairperson at the pleasure of the Governor. The chairperson shall designate a member of the appeals board to act as chairperson in his or her absence.

(b) The amendments made to this section by the act adding this subdivision shall apply to appointments made on or after January 1, 2013.

(c) It is the intent of the Legislature that the two California Unemployment Insurance Appeals Board member positions that

- 1 are eliminated pursuant to this act be those board member positions
- 2 that could have been appointed by the Governor, but were not, and
- 3 that are currently vacant and have been vacant since October 2011.
- 4 (d) A former member of the Legislature shall not sit on the
- 5 Unemployment Insurance Appeals Board for two years after the
- 6 day that person leaves the Legislature.